



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,455	10/04/2000	Arihiro Takeda	2803.64682	7544

7590 06/13/2002

Patrick G. Burns
Greer, Burns & Crain, Ltd.
300 S. Wacker Drive
Suite 2500
Chicago, IL 60606

EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,455

Applicant(s)

Takeda et al.

Examiner

Dung Nguyen

Art Unit

2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 4, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 149, 150, 152-163, and 165-187 is/are pending in the application.
- 4a) Of the above, claim(s) 157, 158, 173, 174, and 180-187 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 149, 150, 152-156, 159-163, 165-172, and 175-179 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: _____

Art Unit: 2871

Response to Amendment

Applicant's amendment dated 04/04/2002 has been received and entered.

Drawings

1. The drawings stand objected to under 37 CFR 1.83(a) as stated in the previous office action.

The subject matter claimed in the instant application, as asserted by Applicants, pertains to the embodiment in figures 184A-184B illustrating a protrusion (i.e., black matrices 380, 381) stacked together to define a gap between a color filter substrate (16) and a TFT substrate (17). Therefore, the drawings do not show every feature of the invention specified in the claims. In other words, first protrusions formed on electrodes, second protrusions formed by the color filter arranged outside the display areas of the pixels (claims 149, 152, 163, 165), the second protrusions include portions formed by stacking plural kinds of color filters of different colors (claim 153, 169), three kinds of color filters stacked at the stacked portions (claim 159, 175-176) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

Art Unit: 2871

following is required: a liquid crystal display (LCD) device in which a CF substrate having a first and second protrusions as stated above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 149-150, 152-156, 159-163, 165-172 and 175-179 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 149 and 162, they have been amended to recite first protrusion and second protrusions in which the first protrusion being formed on electrodes. However, Applicants' disclosure does not disclose a LCD device having both protrusions as amended claims. Therefore, such amendment is not supported by the original Applicants' disclosure. Applicant is also reminded that it is well settled patent law that Applicant cannot add the new matter which was not described in the specification. Applicants are required to cancel the new matter or it must be re-filed as a continuation-in-part of the parent application, with a new oath or declaration.

Art Unit: 2871

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 149-150, 152-156, 159-163, 165-172 and 175-179 stand rejected under 35 U.S.C. 112, second paragraph, as stated in the previous office action.

Applicants contend that the counter substrate will be the TFT substrate. The Examiner respectfully disagrees with the applicant's viewpoint since the term "counter substrate" is a well-known term to denote a substrate having counter electrodes. In particular, according to the specification and drawings, the counter electrodes formed on the color filter (CF) substrate. In other words, the counter substrate should be the CF substrate instead of the TFT substrate. Therefore, it is confusing and unclear how a liquid crystal layer can be sandwiched between a color filter and a counter substrate.

Correction to the language is suggested to clarify the claimed subject matter.

Claim Rejections - 35 USC § 102

7. Claims 149-156, 159-172 and 175-179 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kurauchi et al., US Patent No. 5,917,572 as stated in the previous office action.

Applicants contend that Kurauchi et al. neither teach or suggest the first protrusions being formed on the electrodes on the CF substrate nor the first protrusions do include dielectric materials (amendment, page 5). It should be noted that the amended claims 149 and 162

Art Unit: 2871

contained a subject matter which was not described in the specification as stated above.

Therefore, such limitation does not have patentable weight.

Accordingly, the rejection of the above claims stand.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.


Application/Control Number: 09/679,455

Page 6

Art Unit: 2871

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
06/11/2002


William L. Sikes
Supervisory Patent Examiner
Group 2871